

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Before addressing the Office Action of May 2, 2006, it is instructive to understand the history of the prosecution of this application. The first Office Action issued on March 26, 2004 and rejected all of the originally filed claims. U.S. Patent 4,809,189 (Batson) was the primary reference relied upon by the Examiner; and Batson was combined with Natori (U.S. Patent 5,668,469) to reject dependent claims 9 and 30. It will be noted here that the recitations previously recited by claims 9 and 30 are incorporated into new independent claims 43, 45 and 47, the only independent claims in this application.

Applicants amended some of the claims in response to the March 26, 2004 Office Action; but the Examiner nevertheless continued to reject the claims in his Final Office Action of October 18, 2004 (this time relying on the combination of Batson and Sojoodi (U.S. Patent 5,920,479)); and once again, the Examiner turned to Natori as a secondary reference to reject claims 9 and 30 (which were not amended). Prosecution continued when Applicants filed another amendment and their Request for Continued Examination (RCE); but the Examiner still rejected all claims on April 18, 2005 for substantially the same reasons set out in his October 18, 2004 Final Rejection. Applicants responded with another amendment to the claims (once again, claims 9 and 30 were not amended); and once again the Examiner finally rejected all claims on October 4, 2005, turning now to the Kodosky patent (U.S. Patent 5,301,336). As before, claims 9 and 30, which still had not been amended, were rejected in view of Natori; but now the Examiner combined Batson, Sojoodi, Kodosky and Natori to support his rejection.

Applicants responded by amending the independent claims; but did not amend dependent claims 9 and 30. This amendment was not entered; and Applicants filed another RCE. The present Office Action, dated May 2, 2006, addresses that latest amendment. Here, Kodosky is relied upon to reject the independent claims; and is combined with Sojoodi to reject those same independent claims. Kodosky is combined with Batson to provide a third ground of rejection for those independent claims; and this combination is asserted against several of the dependent claims as well. Dependent claims 9 and 30, which were not amended throughout the prosecution of this application, once again were rejected in view of the combination of Batson, Kodosky and Natori (the previously relied upon reference to Sojoodi has been dropped from the Examiner's rejection of claims 9 and 30).

By this amendment, new independent claims 43, 45 and 47 are presented. These new independent claims are similar to original method claim 1 and original apparatus claims 22 and 28, but claims 43, 45 and 47 include the recitations previously recited by claims 9 and 30, namely, "at least one of said plurality of processing elements requests required data from an upstream source." This recitation had been included in original claims 9 and 30; and notwithstanding the Examiner's consistent rejection of claims 9 and 30, there has been no explanation of where, in any of the references applied against these claims, there is a teaching that a processing element requests required data from an upstream source. It is respectfully submitted that this limitation, by itself, is sufficient to distinguish independent claims 43, 45 and 47 (as well as all of the dependent claims) from the cited prior art.

Turning to the specific paragraphs set out in the Office Action under reply, the objections raised in paragraph 3 are moot in light of the new independent claims submitted herein and the cancellation of claims 7, 8, 14, 15, 16, 18, 19, 21, and 22.

The rejection of claim 17, set out in paragraph 5 of the Office Action, is moot in light of the cancellation of claim 17.

The rejections of the claims in view of prior art, as set out in paragraphs 7, 8, 9, 10 and 11, are inapposite in light of Applicants' argument above: there is no explanation of where, in any of the references, there is a teaching that a processing element requests required data from an upstream source, even though this limitation has been recited in one or more dependent claims ever since this application was filed. Accordingly, claims 43, 45 and 47 are patentably distinguished from the cumulative teachings of Kodosky, Batson, and Natori.


Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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